

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

FILED  
USDC, WESTERN DISTRICT OF LA  
ROBERT H. SHEMWEILL, CLERK  
DATE 9/12/00  
BY [Signature]

IN THE MATTER OF:

FORFEITURE OF COLLATERAL  
IN LIEU OF APPEARANCE IN CERTAIN  
PETTY OFFENSE CASES

\*\*\*\*\*

ORDER

Pursuant to Federal Rules of Criminal Procedure 58(d)(1), it is hereby ordered that:

In the interest of justice, efficient court administration, and effective law enforcement concerning the petty offenses listed below, occurring within the territorial jurisdiction of the United States District Court for the Western District of Louisiana, collateral in the amount prescribed below may be posted in lieu of the appearance of the offender;

Upon the election of the person charged with such an offense to post said collateral in lieu of appearance before the United States Magistrate Judge for trial of said offense, the collateral in the amount listed below opposite the offense shall be forfeited to the United States. The posting of such collateral shall signify that the offender neither contests the charge nor requests a hearing before the United States Magistrate Judge, and said collateral shall be administratively forfeited to the United

States. If the collateral is forfeited, such action shall be tantamount to a finding of guilty.

There shall be maintained in the office of the Clerk a current list of the petty offenses and fines applicable thereto for which collateral may be accepted;

Pursuant to the foregoing provisions, the offenses for which collateral may be posted in lieu of the appearance of the person charged therewith are:

| <b>COLLATERAL FORFEITURE FOR VIOLATIONS OF CODE OF<br/>REGULATIONS OF FOREST SERVICE, UNITED STATES<br/>DEPARTMENT OF AGRICULTURE, 36 CFR PART 261</b> |             |
|--|-------------|
| <b>36 CFR PART 261 -SUBPART A-GENERAL PROHIBITIONS</b>   |             |
| <b>36 CFR 261.3<br/>Interfering with Forest Officer</b>  | <b>Fine</b> |
| (a) Interfering with Forest Officers prohibited  | \$150       |
| (b) Giving false information   | \$150       |
| (c) Interfering with Forest Volunteer, Human<br>Resource enrollee prohibited   | \$150       |
| <b>36 CFR 261.4<br/>Disorderly Conduct</b>   |             |
| (a) Fighting   | \$200       |
| (b) Communication tending to result in acts of<br>violence   | \$150       |
| (c) Inciting-lawless action  | \$150       |
| (d) Making unreasonable noise  | \$100       |

| <b>36 CFR 261.5<br/>Fire</b>   |       |
|--|-------|
| (a) Carelessly or negligently placing ignited or other substance that may cause fire | \$150 |
| (b) Firing tracer bullet   | \$100 |
| (c) Causing timber to burn without permit  | \$150 |
| (d) Leaving campfire without extinguishing it  | \$100 |
| (e) Allowing fire to escape  | \$150 |
| (f) Building campfire without removing flammable material from area                  | \$50  |
| <b>36 CFR 261.6<br/>Timber and Other Forest Products</b>                             |       |
| a) Cutting or damaging forest production without authorization                       | \$150 |
| b) Cutting non-designated timber   | \$150 |
| c) Removing timber before scaled   | \$250 |
| d) Counterfeit marking of timber   | \$250 |
| e) Loading forest product acquired with permit without proper identification         | \$250 |
| f) Selling forest product under free permit  | \$100 |
| g) Violating timber export restriction   | \$250 |
| h) Removing forest product without permit or contract                                | \$250 |
| <b>36 CFR 261.7<br/>Livestock</b>  |       |
| (a) Unauthorized livestock on National Forest Land                                   | \$150 |
| (b) Refusal to remove unauthorized livestock   | \$200 |
| (c) Failure to reclose gate  | \$100 |
| (d) Injuring or releasing impounded livestock  | \$200 |

| <b>36 CFR 261.8<br/>Fish and Wildlife</b>  |       |
|--|-------|
| (a) Hunting trapping fishing in violation of federal and state law                 | \$150 |
| Hunting taking possession of big game  | \$300 |
| Hunting big game closed season   | \$500 |
| Hunting without valid license  | \$175 |
| Hunting from road  | \$250 |
| Night Hunting  | \$500 |
| Baiting wildlife   | \$150 |
| Baiting Bear   | \$300 |
| Fishing without license  | \$100 |
| Possessing fish in slot limit  | \$75  |
| Possession of over limit fish  | \$100 |
| Violations of hunting and fishing regulations not set forth above                  | \$100 |
| (b) Possession of a firearm  | \$100 |
| Possession of firearm on National Wildlife Management Reserve during closed season | \$150 |
| (c) Possessing equipment for hunting, fishing or trapping                          | \$150 |
| (d) Possessing dog not on a leash  | \$100 |
| (e) Curtailing free movement of animal or plant from cave                          | \$100 |
| <b>36 CFR 261.9<br/>Property</b>   |       |
| (a) Damaging natural feature or other property of U.S.                             | \$150 |
| (b) Removing natural feature of other property of U.S.                             | \$150 |

|   |       |
|---|-------|
| (c) Damaging plant classified as threatened, endangered, sensitive, rare or unique  | \$150 |
| (d) Removing plant classified as threatened, endangered, sensitive, rare or unique  | \$150 |
| (e) Unauthorized entry of U.S. building, structure, or enclosed area  | \$150 |
| (f) Unauthorized use of herbicide, pesticide or fungicide   | \$150 |
| (g) Digging in, excavating, disturbing, injuring, destroying or in any way damaging any prehistoric, historic or archaeological resource, structure, site, artifact or property | \$250 |
| (h) Removing any prehistoric, historic or archaeological resource, structure, site, artifact or property  | \$250 |
| (i) Excavating, damaging or removing any vertebrae fossil or removing any paleontological resource for commercial purposes without a special use authorization                  | \$250 |
| <b>36 CFR 261.10<br/>Occupancy and Use</b>  |       |
| (a) Constructing roads, structures, trail, fence, enclosure communication equipment or other improvement without permit   | \$150 |
| (b) Using National Forest Land for residential purposes   | \$150 |
| (c) Unauthorized selling or offering for sale any merchandise, conducting any kind of work activity or service  | \$100 |
| (d) Discharging firearm or any other weapon   | \$150 |
| (e) Abandoning personal property  | \$100 |
| (f) Placing a vehicle or other object so that it is an impediment or hazard to the safety or convenience of any person.   | \$100 |

|  |       |
|--|-------|
| (g) Commercial distribution of printed material without authorization  | \$50  |
| (h) Obstruction of use of area during distribution of commercial material<br>Misrepresentation of distributed material<br>Misrepresentation of cost of distributed material        | \$250 |
| (i) Operation of noise-producing devices such as radio, television, musical instrument, motor or engine, in such a manner and such a time so as to unreasonably disturb any person | \$100 |
| (j) Using public address system without special use permit   | \$50  |
| (k) Use of NFS land or facilities without authorization  | \$50  |
| (l) Violating term or condition of permit  | \$100 |
| (m) Failing to stop vehicle when directed by Forest Officer  | \$350 |
| (n) Failure to pay special use fee or other charges  | \$100 |
| (o) Discharging or igniting firecracker, rocket or other firework or explosive into or within a cave   | \$150 |
| <b>36 CFR 261.11<br/>Sanitation</b>  |       |
| (a) Depositing damaging objects in plumbing fixtures   | \$100 |
| (b) Possessing or leaving refuse, debris or litter in an exposed or unsanitary condition   | \$150 |
| (c) Polluting water  | \$300 |
| (d) Failure to properly dispose of garbage   | \$150 |
| (e) Unauthorized dumping of refuse   | \$300 |
| <b>36 CFR 26.12<br/>Forest Development Roads and Trails</b>  |       |
| (a) Violations of load and weight limitations  | \$100 |

|  |       |
|--|-------|
| (b) Failure to have vehicle weighed when required  | \$100 |
| (c) Damaging or leaving in a damaged condition road or trail   | \$100 |
| (d) Interfering with use of road, trail or gate  | \$100 |
| (e) Using motorized vehicles in excess of 40 inches in width on a trail  | \$100 |
| <b>36 CFR 261.13<br/>Use of Vehicle Off Roads</b>  |       |
| (a) Without valid license  | \$100 |
| (b) Without operable braking system  | \$50  |
| (c) Without operable lights during designated period   | \$50  |
| (d) Violation of noise emission standard   | \$50  |
| (f) Creating excessive or unusual smoke  | \$50  |
| (g) Disregarding safety of persons or property   | \$150 |
| (h) Damaging or unreasonably disturbing land, wildlife or vegetative resources   | \$150 |
| (i) Operating vehicle in violation of State law established for off road vehicles  | \$100 |
| <b>36 CFR 261.14<br/>Developed Recreation Site</b>   |       |
| (a) Occupying any portion of the site for other than recreation purposes   | \$50  |
| (b) Building, attending, maintaining, or using a fire outside of a fire ring provided by the Forest Service for such purpose or outside of a stove, grill or fireplace | \$50  |
| (c) Cleaning or washing any personal property, fish, animal, or food, or bathing or washing at a hydrant or water faucet not provided for that purpose                 | \$50  |
| (d) Discharging or igniting a firecracker, rocket or other firework, or explosive  | \$50  |

|   |      |
|---|------|
| (e) Occupying between 10 p.m. and 6 a.m. a place designated for day use only  | \$50 |
| (f) Failing to remove all camping equipment or personal property when vacating the area or site   | \$50 |
| (g) Placing, maintaining, or using camping equipment except in a place specifically designated or provided for such equipment   | \$50 |
| (h) Without permission, failing to have at least one person occupy a camping area during the first night after camping equipment has been set up  | \$50 |
| (i) Leaving camping equipment unattended for more than 24 hours without permission  | \$50 |
| (j) Bringing in or possessing an animal, other than a seeing eye dog, unless it is crated, caged, or upon a leash not longer than six feet, or otherwise under physical restrictive control | \$50 |
| (k) Bringing in or possessing in a swimming area an animal, other than a seeing eye dog   | \$50 |
| (l) Bringing in or possessing a saddle, pack, or draft animal except as authorized by posted instructions   | \$50 |
| (m) Operating or parking a motor vehicle or trailer except in places developed or designated for this purpose   | \$50 |
| (n) Operating a bicycle, motorbike, or motorcycle on a trail unless designated for this use   | \$50 |
| (o) Operating a motorbike, motorcycle, or other motor vehicle for any purpose other than entering or leaving the site   | \$50 |
| (p) Depositing any body waste except into receptacles provided for that purpose   | \$50 |



|   |       |
|---|-------|
| <p align="center"><b>36 CFR 261.15</b><br/> <b>Admission, Recreation Use and Special<br/> Recreation Permit Fees</b></p>  |       |
| (a) Failing to pay any fee established for admission or entrance to or use of a site, facility, equipment or service furnished by the United States is prohibited | \$50  |
| <p align="center"><b>36 CFR 261.16</b><br/> <b>National Forest Wilderness</b></p>   |       |
| (a) Possessing or using a motor vehicle, motorboat or motorized equipment except as authorized by Federal Law or regulation                                       | \$150 |
| (b) Landing of aircraft, or dropping or picking up of any material, supplies, or person by means of aircraft, including a helicopter                              | \$100 |
| <p align="center"><b>36 CFR 261.20</b><br/> <b>Unauthorized use of "Smokey Bear" and<br/> "Woodsy Owl" symbol</b></p>   |       |
| (a) Manufacture, importation, reproduction, or use of "Smokey Bear" except as provided by regulation  | \$100 |
| (b) Manufacture, importation, reproduction, or use of "Woodsy Owl" except as provided by regulation   | \$100 |

**36 CFR PART 261 -SUBPART B - PROHIBITIONS AREAS  
DESIGNATED BY ORDER**

| <b>36 CFR 261.52</b><br><b>Fire</b>  |       |
|--|-------|
| (a) Building, maintaining, attending or using a fire, campfire, or stove fire  | \$100 |
| (b) Using an explosive   | \$100 |
| (c) Smoking  | \$100 |
| (d) Smoking, except within an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable material | \$100 |
| (e) Going into or being upon an area   | \$100 |
| (f) Possessing, discharging or using any kind of fireworks or other pyrotechnic device   | \$100 |
| (g) Entering an area without any firefighting tool prescribed by the order   | \$50  |
| (h) Operating an internal combustion engine  | \$50  |
| (i) Welding, or operating an acetylene or other torch with open flame  | \$50  |
| (j) Operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting appropriate standards           | \$50  |
| (k) Violating any state law specified in the order concerning burning, fires or which is for the purpose of preventing, or restricting the spread of fires   | \$100 |
| <b>36 CFR 261.53</b><br><b>Special closures.</b><br><b>When provided in an order, it is prohibited to go into or be upon any area which is closed for the protection of:</b>                             |       |
| (a) Threatened, endangered, rare, unique, or vanishing species of plants, animals, birds or fish   | \$150 |

|   |       |
|---|-------|
| (b) Special biological communities  | \$150 |
| (c) Objects or areas of historical, archeological, geological, or paleontological interest  | \$150 |
| (d) Scientific experiments or investigations  | \$100 |
| (e) Public health or safety   | \$150 |
| (f) Property  | \$100 |
| <b>36 CFR 261.54<br/>Forest development roads</b>   |       |
| (a) Using any type of vehicle prohibited by the order   | \$100 |
| (b) Use by any type of traffic prohibited by the order  | \$100 |
| (c) Using a road for commercial hauling without a permit or written authorization   | \$100 |
| (d) Operating vehicle in violation of the speed, load, weight, height, length, width, or other limitations specified by the order | \$100 |
| Speeding: 1-10 mph over posted limit  | \$50  |
| Speeding: 11-15 mph over posted limit   | \$65  |
| Speeding: 16-20 mph over posted limit   | \$85  |
| Speeding: 21-25 mph over posted limit   | \$100 |
| Speeding: 26-30 mph over posted limit   | \$125 |
| Speeding : more than 30 mph over posted limit   | \$200 |
| Operating vehicle with expired license  | \$100 |
| Operating vehicle with a suspended license  | \$150 |
| Operating motor vehicle in violation of state law: safety equipment, no helmet  | \$100 |
| Driving with a revoked license  | \$250 |
| (e) Being on the road   | \$100 |
| (f) Reckless operation of a motor vehicle   | \$200 |

|   |       |
|---|-------|
| <b>36 CFR 261.55</b><br><b>Forest development trails</b>  |       |
| (a) Being on a trail  | \$100 |
| (b) Using any type of vehicle prohibited by the order   | \$100 |
| (c) Use by any type of traffic or mode of transport prohibited by the order   | \$100 |
| (d) Operating a vehicle in violation of the width, weight, height, length, or other limitations specified by the order  | \$100 |
| (e) Shortcutting a switchback in a trail  | \$100 |
| <b>36 CFR 261.56</b><br><b>Use of vehicles off forest development roads</b><br>When provided by an order, it is prohibited to possess or use a vehicle off forest development roads | \$150 |
|   |       |
| <b>36 CFR 261.57</b><br><b>National Forest wilderness</b>   |       |
| (a) Entering or being in the area   | \$50  |
| (b) Possessing camping or pack-outfitting equipment, as specified in the order  | \$50  |
| (c) Possessing a firearm or firework  | \$50  |
| (d) Possessing any non-burnable food or beverage containers, including deposit bottles, except for non-burnable containers designed and intended for repeated use                   | \$50  |
| (e) Grazing   | \$100 |
| (f) Storing equipment, personal property or supplies  | \$50  |
| (g) Disposing of debris, garbage, or other waste  | \$100 |
| (h) Possessing or using a wagon, cart or other vehicle  | \$100 |

| <b>36 CFR 261.58</b><br><b>Occupancy and use</b>   |       |
|--|-------|
| (a) Camping for a period longer than allowed by the order  | \$50  |
| (b) Entering or using a developed recreation site or portion thereof   | \$50  |
| (c) Entering or remaining in a campground during night periods prescribed in the order except for persons who are occupying such campgrounds | \$50  |
| (d) Occupying a developed recreation site with prohibited camping equipment prescribed by the order  | \$50  |
| (e) Camping  | \$50  |
| (f) Using a campsite or other area described in the order by more than the number of users allowed by the order                              | \$50  |
| (g) Parking or leaving a vehicle in violation of posted instructions   | \$50  |
| (h) Parking or leaving a vehicle outside a parking space assigned to one's own camp unit   | \$25  |
| (i) Possessing, parking or leaving more than two vehicles, except motorcycles or bicycles per camp unit                                      | \$25  |
| (j) Being publicly nude  | \$100 |
| (k) Entering or being in a body of water   | \$50  |
| (l) Being in the area after sundown or before sunrise  | \$50  |
| (m) Discharging a firearm, air rifle, or gas gun   | \$50  |
| (n) Possessing or operating a motorboat  | \$50  |
| (o) Water skiing   | \$50  |
| (p) Storing or leaving a boat or raft  | \$50  |
| (q) Operating any watercraft in excess of a posted speed limit   | \$50  |

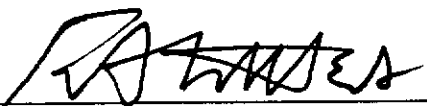
|  |       |
|--|-------|
| (r) Launching a boat except at a designated launching ramp   | \$50  |
| (s) Possessing, storing, or transporting any bird, fish, or other animal or parts thereof, as specified in the order                 | \$50  |
| (t) Possessing, storing, or transporting any part of a tree or other plant, as specified in the order                                | \$50  |
| (u) Being in the area between 10 p.m. and 6 a.m. except a person who is camping or who is visiting a person camping in that area     | \$50  |
| (v) Hunting or fishing   | \$75  |
| (w) Possessing or transporting any motor or mechanical device capable of propelling a watercraft through water by any means          | \$50  |
| (x) Using any wheel, roller, or other mechanical device for the overland transportation  | \$100 |
| (y) Landing of aircraft, or dropping or picking up any material, supplies, or person by means of an aircraft, including a helicopter | \$50  |
| (z) Entering or being on lands or waters within the boundaries of a component of the National Wild and Scenic Rivers System          | \$100 |
| (aa) Riding, hitching, tethering or hobbling a horse or other saddle or pack animal in violation of posted instructions              | \$50  |
| (bb) Possessing a beverage which is defined as an alcoholic beverage by state law  | \$75  |
| (cc) Possessing or storing any food or refuse, as specified in the order   | \$35  |

Nothing in the above schedule of violations is meant to preclude a federal officer or official from filing a complaint against a violator and having that violator appear before an appropriate United States Magistrate Judge. If a person charged with an offense in the attached Sections of the Schedule of this rule fails to post and forfeit collateral, any punishment, including fine, imprisonment, or probation, may be imposed within the limits established by law upon conviction by plea or after trial.

This Order shall constitute the Court's policies with regard to collateral forfeiture in the listed petty offense matters and shall supplant any previous orders in that regard.

Alexandria, Louisiana, this 11 day of July,  
2000.

FOR THE COURT:

  
F.A. LITTLE, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT

COPY SENT:  
DATE: 7-12-00  
BY: 136  
TO: USA-Flanagan  
Alex Clerk

COPY SENT:  
DATE: 7-18-00  
BY: PM  
TO: Deputy Clerk  
District judges  
Magistrate judges  
Mr. Flanagan